

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:23-cv-00467-CV-AJR

Date: April 14, 2025
Page 1 of 2

Title: Maykel J. Castilla v. OCSD Personnel, et al.

DOCKET ENTRY: **ORDER TO SHOW CAUSE WHY THIS ACTION SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE BECAUSE PLAINTIFF HAS NOT FILED A FOURTH AMENDED COMPLAINT**

PRESENT:

HONORABLE A. JOEL RICHLIN, UNITED STATES MAGISTRATE JUDGE

Claudia Garcia-Marquez
Deputy Clerk

None
Court Reporter/Recorder

None
Tape No.

ATTORNEYS PRESENT FOR PLAINTIFF:

None Present

ATTORNEYS PRESENT FOR DEFENDANTS:

None Present

PROCEEDINGS: (IN CHAMBERS)

On December 20, 2024, *pro se* Plaintiff Maykel J. Castilla (“Plaintiff”), a pretrial detainee presently incarcerated at the Orange County Central Men’s Jail, filed a Third Amended Complaint (the “TAC”) pursuant to 42 U.S.C. § 1983. (Dkt. 52.) On January 27, 2025, the Court dismissed the TAC with leave to amend. (Dkt. 55.) Plaintiff was initially given until February 26, 2025, to file a Fourth Amended Complaint. (*Id.*) The Court subsequently extended this deadline to March 28, 2025. (Dkt. 66.)

As of today, Plaintiff has neither filed an amended complaint nor requested an extension of time in which to do so. This action cannot move forward unless and until Plaintiff files an amended complaint. **As the Court previously advised Plaintiff on several occasions, failure to file a Fourth Amended Complaint will result in a recommendation that this action be dismissed with prejudice for failure to prosecute and/or obey Court orders pursuant to Federal Rule of Civil Procedure 41(b).**

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Plaintiff is ordered to file a Fourth Amended Complaint, if any, by **April 30, 2025** or show cause why the action should not be dismissed with prejudice for failure to prosecute. If Plaintiff chooses to file a Fourth Amended Complaint, it should bear the docket number assigned to this case (8:23-cv-00467-CV-AJR), be labeled “Fourth Amended Complaint,” and be complete and of itself without reference in any manner to the original Complaint, the First Amended Complaint, the Second Amended Complaint, the Third Amended Complaint, or any other document (except any document that Plaintiff chooses to attach to the Fourth Amended Complaint as an exhibit). Plaintiff is encouraged to state his claims in simple language and provide only a brief statement of supporting facts, omitting facts that are not relevant. Should Plaintiff decide to file a Fourth Amended Complaint, he is encouraged to utilize the CV-66 form complaint attached to this Order.

If Plaintiff no longer wishes to pursue this action or certain claims or defendants, he may voluntarily dismiss the entire action, certain claims, or certain defendants by filing a Notice of Dismissal in accordance with Federal Rule of Civil Procedure 41(a)(1). A form Notice of Dismissal is attached for Plaintiff’s convenience.

IT IS SO ORDERED.

Attachment:

CV-09, Notice of Dismissal Pursuant to Federal Rules of Civil Procedure 41(a) or (c).

CV-66, United States District Court, Central District of California Civil Rights Complaint.